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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,218	08/27/2003	Young-Il Yang	5387-8	7119
20575	7590	05/09/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,218	YANG, YOUNG-IL	
	Examiner	Art Unit	
	Victor MacArthur	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/27/2006 has been entered.

Preamble

The preambles of claims 1 and 6 merely recite the intended use or purpose (e.g. “for connecting partitioning frames”) of the claimed invention such that the body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness. Accordingly, the examiner has determined that the preamble does not limit the claim. The examiner has considered the claims **without** combination (emphasis added). See MPEP 2111.02 and *Kropa v. Robie*, 88 USPQ at 480-481; *Rowe*, 42 USPQ2d at 1553; and *IMS Technology Inc. v. Haas Automation Inc.*, 54 USPQ2d 1129, 1137 (Fed.Cir.2000). If the applicant would like to amend the scope of the claims to be so narrow as to positively require “partitioning frames” then the limitation “for connecting” (lines 1-2 of claims 1 and 6) should be replaced with --connecting--.

Claim Objections

Claims 6, 11 and 15 are objected to because of the following informalities:

- The limitation “the internal portion” (line 14 of claim 6) lacks proper antecedent basis and should be replaced with --an internal portion--.
- Claim 11 sets fourth elements that were previously set fourth in claim 6 (i.e., ends including a first hitching jaw) such that it is unclear whether these claim 11 elements are in addition to, or merely a repetitive recitation of, the claim 6 elements.

Accordingly, these confusing double inclusions of elements should be deleted from the claims.

- The limitation “the connecting hole” (line 1 of claim 15) lacks proper antecedent basis and should be replaced with --a connecting hole--.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hayes (U.S. Patent 5,620,291).

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Claim 1. Hayes discloses (figs. 1 and 6) a connecting apparatus comprising: a connecting plate (12) formed at one end thereof with a first hitching jaw (22) and a second hitching jaw (bottom portion of 12) formed at the other end thereof; a leaf spring (50) for being insertedly hitched by said first hitching jaw of said connecting plate; and a connector housing (30) for pressing said leaf spring to be insertedly hitched by said first hitching jaw of said connecting plate, wherein an inclining hitching surface (40) is formed inside said connector housing for pressing said leaf spring when hitched by said first hitching jaw to rotate said connector housing, and a third hitching jaw (jaw which forms 44) is protrusively formed at said inclining hitching surface for restraining the rotation when said connector housing is rotated at a prescribed angle, wherein said connector housing includes at least one hole (34) formed through at least one side wall of the connector housing. Hayes is fully capable of performing the applicant's recited intended use limitations as follows:

- The connecting apparatus is fully capable of performing the intended use of being for connecting partitioning frames
- The first hitching jaw is fully capable of performing the intended use of being for insertion into and passing through a connecting hole formed in partitioning frames
- The second hitching jaw is fully capable of performing the intended use of being for not passing through a connecting hole formed in partitioning frames
- The hole is formed such that it is fully capable of performing the intended use of being to allow an assisting tool (such as a flathead screw driver or driving rod of a spanner wrench) to be inserted to assist in rotating the connector housing when it is coupled to the first hitching jaw of the connecting plate

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes (U.S. Patent 5,620,291) in view of Pratt (U.S. Patent 6,261,042).

Claim 6. Hayes discloses (figs.1 and 6) a connecting apparatus comprising: a connecting plate (12) including a first hitching jaw (22) formed at one end of the connecting plate and a second hitching jaw (bottom portion of 12) formed at the other end of the connecting plate; a leaf spring (50) including an opening (52), the leaf spring structured to allow the first hitching jaw of the connector plate to pass through the opening; and a connector housing (30) including: an insertion slot (34) for receiving the first hitching jaw of the connecting plate, the insertion slot formed so as to allow the first hitching jaw of the connecting plate to pass through the insertion slot, an internal rotational ramp (40, 44) to engage the first hitching jaw of the connecting plate, wherein an initial portion (40) of the internal rotational ramp is inclined upwardly from the insertion slot and a subsequent portion (44) of the internal rotational ramp, and a protruding jaw (counterclockwise wall of 44) formed radially inward at an end of the subsequent portion of the internal rotational ramp, wherein the protruding jaw is formed to prevent rotation of the first hitching jaw of the connecting plate past the end of the subsequent portion of the internal rotational ramp. The Hayes subsequent portion is not is not shaped to be inclined downwardly towards the insertion slot. Pratt teaches (figs.1 and 16) a subsequent portion (104) that is shaped

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to be inclined downwardly towards an insertion slot (84). One of ordinary skill would have easily recognized that the Pratt subsequent portion shape presents a smooth transition curve with regard to an initial portion (102), whereas the Hayes transition from subsequent to initial portions is abrupt and separated by protrusion; thus concluding that the Pratt shape allows for smoother sliding action operation than the Hayes shape. It has generally been recognized that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the shape of the Hayes subsequent portion shape to be inclined downwardly towards an insertion slot, as taught by Pratt, for the purpose of increasing smoothness of operation.

- The Hayes connecting apparatus is fully capable of performing the intended use of being for connecting partitioning frames
- The Hayes first hitching jaw is formed so as to be fully capable of performing the intended use of being to be inserted through a connecting hole in partitioning frames

Claim 9. Hayes discloses that the first hitching jaw of the connecting plate includes a curved inner surface (curved inner surface of 22) to allow rotation of the connector housing.

Claim 10. Hayes discloses that the first hitching jaw of the connecting plate is T-shaped (in as much as the applicant's invention is).

Claim 11. Hayes discloses that the connecting plate includes a plurality of protruding ends, wherein each of the protruding ends includes a first hitching jaw (as previously recited in claim 6, see claim objections above).

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Claim 12. Hayes discloses that each of the plurality of protruding ends extend radially from the other end of the connecting plate that includes the second hitching jaw (in as much as the applicant's invention does).

Claim 15. Hayes discloses that a connecting hole (axial hole of 30) is rectangular (when viewed in axial cross-section).

Claims 7, 8, 13 and 14 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes (U.S. Patent 5,620,291) in view of Pratt (U.S. Patent 6,261,042), as applied to claim 6 above, and further in view of Imazaike (U.S. Patent 3,874,752).

Claims 7, 13 and 14. Hayes does not disclose at least one hole formed through at least one sidewall of the connector housing. Imazaike teaches (fig.3) that it is very well known in the art to provide the walls of a connector housing (6) with closed holes/grooves (9) to facilitate rotational manipulation by wrenches, screwdrivers, etc. (col.3, ll.10-25). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hayes sidewalls to have holes, as taught by Imazaike, in order to facilitate rotational manipulation by wrenches, screwdrivers, etc.

Claim 8. Hayes does not disclose a hexagonal surface. Imazaike teaches (fig.3) that it is very well known in the art to provide the walls of a connector housing (6) with a hexagonal surface (7) to facilitate rotational manipulation by wrenches (col.3, ll.10-25). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hayes walls to be hexagonal, in order to facilitate rotational manipulation by wrenches.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.


VLM
May 4, 2006



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